

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHRN DIVISION

MISTY MARTIN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:23-cv-339-JTA
)	(WO)
MARTIN J. O'MALLEY, ¹)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) and the memorandum in support of the motion filed by the Commissioner of Social Security ("Commissioner"). (Docs. No. 23, 24.) In her memorandum, the Commissioner states that remand is appropriate so the agency can conduct further action needed to complete the administrative record. (Doc. No. 24 at 2.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to "enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds "either . . . the decision is not supported by

¹ Martin J. O'Malley was appointed Commissioner for the Social Security Administration on December 20, 2023 and under Federal Rule of Civil Procedure 25(d) is automatically substituted as the defendant. *See* Fed. R. Civ. P. 25(d).

substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

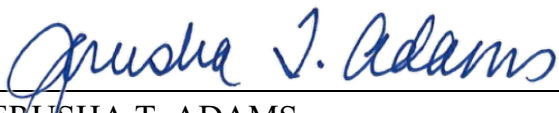
Here, the Court finds remand necessary as the Commissioner concedes that further evaluation of the administrative record is in order. Moreover, Plaintiff does not oppose the motion. (Doc. No. 23.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 19, 20.)

Accordingly, it is ORDERED as follows:

1. The Commissioner’s unopposed motion (Doc. No. 23) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate judgment will issue.

DONE this 5th day of January, 2024.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE